

**Improving America's Security Act of 2007**  
**Lieberman-Collins Amendment in the Nature of a Substitute to S. 4**  
**Implementing Unfinished Recommendations of the 9/11 Commission**

**Summary of Provisions**

**Title I Intelligence and Information Sharing:**

This title will improve the sharing of intelligence and information within the federal government and with state, local, and tribal governments. It aims to improve coordination between DHS and the state, local, and tribal governments by creating standards for state, local, and regional fusion centers, tied to the allocation of homeland security grants. It authorizes the assignment of DHS intelligence analysts to the centers, establishes intelligence training for state, local, and tribal officers, and creates a fellows program for state, local, and tribal officials to spend time at DHS's Office of Intelligence and Analysis learning about its intelligence and information sharing functions.

The title also amends section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004, P.L. 108-458 to strengthen the Information Sharing Environment (ISE) by making the Program Manager for the ISE permanent, by providing the Program Manager with the authority to issue government-wide standards, and by requiring the government to reward employees for information sharing. The title requires the President to report on the feasibility of eliminating "originator control," adopting an authorized use standard to govern the sharing of information about U.S. persons, and using anonymized data. The title also codifies the ISE Program Manager's proposal, already adopted by the President in the Information Sharing Environment Implementation Plan, to create an interagency group that would, with state and local participation, determine what federal intelligence products should be disseminated throughout the federal government and to state and locals, how those products should be written, and when they should be distributed.

Finally, the title requires DHS to establish criteria and a methodology for the issuance of homeland security advisory system.

**Title II Homeland Security Grants:**

Title II authorizes \$3.105 billion for each of the next three years for a new Homeland Security Grant Program. The program will ensure that grants intended to enhance prevention and preparedness for terrorist attacks will be distributed overwhelmingly based on the risk to an area from a terrorist attack. At the same time, the program will also bolster efforts to ensure that states and localities across the country have basic capabilities to respond to a range of hazards, whether natural or man-made. To this end, the Homeland Security Grant Program is comprised of four elements:

- **Urban Area Security Initiative** - provides \$1.269 billion for grants to high-risk urban areas. The grants are allocated based on threat, vulnerability and consequences faced by the area from a terrorist attack and there is no minimum level of funding. The 100 largest metropolitan areas in the United States are eligible to apply for these grants.
- **State Homeland Security Grant Program** - provides \$913 million for grants to states based on the threat, vulnerability and consequences faced by the state from a terrorist attack. Each state is required to receive a minimum of 0.45% of the funds under this program.
- **Emergency Management Performance Grants Program** - provides \$913 for grants to states to prepare for and respond to all hazards, including natural disasters, acts of terrorism, and other man-made disasters. The funds are allocated according to an existing formula, which provides for each state to receive a minimum of 0.75% of the funds for the program, with the remaining funds distributed to states in proportion to their population.
- **Emergency Communications and Interoperability Grants Program** - provides funds to states specifically for emergency and interoperable communications, and is authorized separately in Title III of the bill.

In addition, at least 25% of the overall funding for urban area and state homeland security grants (*i.e.*, at least \$548 million) must be used for **law enforcement terrorism prevention activities**.

### **Title III Communications Operability and Interoperability:**

Title III creates a grant program administered by FEMA dedicated to improving operability and interoperability at local, regional, State and federal levels. In applying for the grants, States would have to demonstrate that the grants would be used in a way that is consistent with their State-wide interoperability plans and the National Emergency Communications Plan. The States would be required to pass at least 80% of the total amount of the grants they receive to local and tribal governments.

Because operability and interoperability are an all-hazards concerns, Title III establishes a minimum of .75 percent for each State of the total funds appropriated for the grant program in any given year. Title III authorizes the following for the first five years of the program: \$400 million in 2008, \$500 million in 2009, \$600 million in 2010, \$800 million in 2011, and \$1 billion in 2012.

Title III also establishes an international border demonstration project involving at least 6 pilot projects aimed at improving interoperability along the Canadian and Mexican borders.

#### **Title IV Terrorist travel:**

This title contains several provisions that will improve the government's ability to disrupt terrorists' travel and infiltration of the U.S. It requires DHS and the Department of State to implement security enhancements to the Visa Waiver Program (VWP); the VWP allows citizens of 27 countries to enter the United States without applying for a visa, including countries recently plagued by home-grown terrorism. The enhancements include mandating improved reporting of lost or stolen passports; requiring countries to share information about prospective visitors who may pose a threat to the United States; and authorizing an "electronic travel authorization" (ETA) system with which travelers would apply in advance for authorization to visit the U.S. – allowing their names to be checked against watch lists well before they board airplanes.

The title increases resources and staffing for the inter-agency Human Smuggling and Trafficking Center, which disseminates intelligence and information related to terrorist travel. It also requires DHS to move forward with the creation of a terrorist travel program, as is mandated by the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA). The program will ensure coordination on terrorist travel initiatives among DHS agencies and with other Departments and the National Counterterrorism Center.

#### **Title V Privacy and Civil Liberties:**

This title includes provisions for a strengthened Privacy and Civil Liberties Oversight Board; the provisions are very similar to those included in the Senate-passed version of IRTPA. Among the changes to the currently existing Board, all five members of the Board would have to be Senate confirmed and would serve fixed terms, and no more than three could be of one party; the Board would have expanded responsibilities to hold public hearings and inform the public of its activities; and the Board could request that the Attorney General issue a subpoena to obtain documents and testimony from private parties – the Attorney General would have to inform Congress if that request was denied. The title also authorizes funding for the board.

The title further requires that a range of agencies with intelligence and security responsibilities be required to designate their own internal privacy and civil liberties officers. It also strengthens the investigative authorities of DHS's existing Privacy Officer.

#### **Title VI Enhanced Defenses Against Weapons of Mass Destruction:**

This title authorizes and improves upon an existing effort within DHS to establish a National Biosurveillance Integration Center (NBIC). It clarifies NBIC's mission to promote integration of local and Federal interagency data from human health, agriculture, and environmental surveillance programs in order to provide comprehensive situational awareness across species and sectors. The establishment of NBIC will enhance the

ability of Federal, State, and local authorities to rapidly identify and track outbreaks following a bioterrorist attack or a naturally occurring pandemic. The title also ensures coordination and department-level oversight of the design and implementation of the global nuclear detection architecture.

#### **Title VII Private Sector Preparedness:**

In order to promote private sector preparedness, this title establishes a voluntary certification program to assess whether a private sector entity complies with voluntary national preparedness standards. Working with organizations such as the American National Standards Institute (ANSI) and the private sector advisory councils created by the Homeland Security Act of 2002, the Secretary would develop the preparedness standards and implement the program, which would be managed by ANSI and other similarly qualified entities. Under the program, companies wishing to be certified as prepared would have their applications reviewed by third parties accredited by organizations such as ANSI to determine whether the companies comply with the standards. The title also requires the FEMA regional offices to coordinate with the private sector to help ensure private sector preparedness.

#### **Title VIII Transportation Security Security Planning and Information Sharing:**

This title improves upon the existing National Strategy for Transportation Security, ensuring the risk based priorities identified by DHS are based on the vulnerability assessments conducted by DHS, that DHS is coordinating the development of the Strategy with federal, state, regional, local and tribal authorities, that the budget and R&D are tied to the priorities in the Strategy, that it addressed security with an intermodal perspective, and that there is greater information sharing with regard to transportation security.

#### **Title IX Incident Command System:**

Incident Command System (ICS) is a system for managing disasters. In order to support ICS, this title adds to FEMA regional responsibilities assisting state and locals in pre-identifying locations from which to operate ICS during disasters. It also establishes a system to inventory resources likely to be used in disaster response.

#### **Title X Critical Infrastructure Protection:**

This title will improve DHS's awareness and prioritization of key pieces of critical infrastructure in the United States. It requires that DHS establish and report on a list of critical infrastructure that would cause catastrophic damage if disrupted or destroyed – strengthening and clarifying what is now a murky process for infrastructure prioritization. This title also requires that DHS perform a risk assessment, or certify the risk assessment of another federal agency, of all critical infrastructure sectors. DHS will

be required to provide an annual report to Congress on the risk assessments performed that year.

**Title XI Congressional Oversight of Intelligence:**

This title requires the President and Congress to publicly disclose the total amount of appropriations requested, authorized and ultimately appropriated for the intelligence community. It also requires improved reporting by intelligence agencies to relevant committees. Both provisions were included in the Senate's version of IRTPA in 2004.

**Title XII International Antiterrorism Cooperation:**

This title creates a Homeland Security International Cooperative Programs Office in the Science and Technology Directorate which would be responsible for developing partnerships with U.S. allies to further homeland security research and development.